

Please substitute the following paragraph 4 to appear as follows:

A2 [0004] Application Serial No. 10/068,039, filed on the same date herewith, by Ernest C. Chen et al., entitled "PREPROCESSING SIGNAL LAYERS IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," attorneys' docket number PD-201148 (109.0064-US-01).

Please substitute the following paragraph 8 to appear as follows:

A3 [0008] Layered modulation enables systems and methods of transmitting signals to accommodate enhanced and increased data throughput without requiring additional frequency bands. Systems using layered modulation can provide enhanced and increased throughput signals for new receivers while remaining compatible with legacy receivers. Newer layered modulation techniques (such as detailed in United States Patent Application No. 09/844,401, filed April 27, 2001, and entitled "LAYERED MODULATION FOR DIGITAL SIGNALS") also provide the unique advantage of allowing transmission signals to be upgraded from a source separate from the legacy transmitter. In other words, the layered signals can be asynchronous and/or non-coherent.

#### REMARKS

The foregoing amendments are made to place the specification in better form in accordance with U.S. Patent and Trademark Office practice. The applicants submit that no new matter has been added.

In accordance with the provisions of 37 C.F.R. 1.21, attached to this amendment is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made."